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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,822	04/17/2001	Hideo Ando	P 280186 T4YK-01S0040	5555

909 7590 02/26/2004  
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MCLEAN, VA 22102

EXAMINER
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SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/835,822

Applicant(s)

ANDO ET AL.

Examiner

Cristina O Sherr

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-16 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This correspondence is in response to the Application filed 17 April 2001. Claims 1-16 have been examined.

#### ***Information Disclosure Statement***

2. The information disclosure statements (IDS) submitted on 23 April 2003 and 28 January 2004 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statements.
3. According to the face of the Application file, Applicant may have submitted an additional IDS form on 17 April 2001. Currently, no such IDS form appears in the file. Applicant is requested to verify the enclosed signed IDS forms and resubmit an IDS form corresponding to any references not listed as considered by the Examiner. The Office regrets any inconvenience caused to Applicant.

#### ***Specification***

4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nabeshima et al (US 5,587,991A).

7. Regarding claim 1 –

Nabeshima discloses a transmitting and receiving system including the transmission side which, of an information transmitting function and an information receiving function, has at least the former, the reception side which, of the information transmitting function and receiving function, has at least the latter, and at least a display function of displaying the information transmitted from said transmission side to the reception side, an information reproducing method comprising: the step of causing said transmission side to transmit transmission time information together with the information to be transmitted, and the step of, when displaying said received information at a later time shifted from the time when the information was received, causing said reception side to manage at least the length of the time shift time making use of said transmission time information received in a temporally shifted manner and judge whether said received information is displayed in a time-shifted manner (col 2 ln 17-col col 3 ln 38).

8. Regarding claim 2 –

Nabeshima discloses the information reproducing method according to claim 1, further comprising the step of giving a warning in sound or in pictures making use of said display function, when the length of said time shift time is shorter than the length of the time set on said reception side (col 3 ln 26-37).

9. Regarding claim 3 –

Nabeshima discloses the information reproducing method according to claim 1, further comprising the step of calculating charges according to the length of said time shift time (col 3 ln 49-60).

10. Regarding claim 4 –

Nabeshima discloses an information providing business method comprising: the step of, when transferring at least display information, causing the transmission side to transfer information about the delivery time when the information was delivered, together with said display information; and the step of causing the reception side to receive said delivery time information and using the delivery time information as an element for calculating at least charges (col 2 ln 17-col 3 ln 38).

11. Regarding claim 5 –

Nabeshima discloses the information providing business method according to claim 4, further comprising the step of, when said reception side has the function of displaying said display information received from said transmission side, at a later time shifted from the time when the display information was received, causing said reception side to use said delivery information as an element for calculating the length of time shift time (col 2 ln 17-col col 3 ln 38).

### ***Claim Rejections - 35 USC § 112***

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Independent claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

14. Claim 6 recites the limitation " the encrypted content sent from the transmission side and information about the transmission time of the encrypted content". There is no antecedent basis for this limitation in the claim. Independent claim 6 and its dependent claims 7-16 are therefore rejected under 35 U.S.C. 112, second paragraph.

15. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***


16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

• Application/Control Number: 09/835,822  
Art Unit: 3621

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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